

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LACHANCE DEON BRYANT,

Plaintiff,

-against-

DET. THOMAS ROURKE, Shield #63,
Long Beach Police Department,

Defendant.
-----X

FILED
CLERK

3:44 pm, Mar 17, 2017

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

ORDER

15-cv-5564 (SJF)(GRB)

FEUERSTEIN, District Judge:

Presently before the Court is Magistrate Judge Gary R. Brown's February 8, 2017 Report and Recommendation (the "Report") recommending that Defendant Detective Thomas Rourke, Shield #63, Long Beach Police Department's ("Defendant"), motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure be granted in its entirety. *See* Docket Entry ("DE") [38]. For the reasons set forth herein, the Court adopts Magistrate Judge Brown's Report in its entirety.

Pursuant to Fed. R. Civ. P. 72, a magistrate judge may conduct proceedings of dispositive pretrial matters without the consent of the parties. Fed. R. Civ. P. 72(b). The district court may accept, reject, or modify, in whole or in part, the findings and recommendations of the magistrate judge. *DeLuca v. Lord*, 858 F. Supp. 1330, 1345 (S.D.N.Y. 1994); *see also* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Where there are no specific written objections to a magistrate judge's report and recommendation, the district court may accept the findings contained therein as long as the factual and legal bases supporting the findings are not clearly erroneous. *Thomas v. Arn*, 474 U.S. 140, 150, 106 S. Ct. 466, 472 (1985). Therefore, to accept the report and recommendation of a

magistrate judge on a dispositive matter to which no timely objection has been made, the district court need only be satisfied that there is no clear error on the face of the record. *See* Fed. R. Civ. P. 72(b); *Johnson v. Goord*, 487 F. Supp. 2d 377, 379 (S.D.N.Y. 2007), *aff'd*, 305 F. App'x 815 (2d Cir. 2009); *Baptichon v. Nevada State Bank*, 304 F. Supp. 2d 451, 453 (E.D.N.Y. 2004), *aff'd*, 125 F. App'x 374 (2d Cir. 2005).

No objections to Magistrate Judge Brown's February 8, 2017 Report have been filed, and the deadline to object has expired.¹ *See* 28 U.S.C. § 636(b)(1) (requiring that objections be filed within fourteen (14) days of being served with a copy of the report and recommendation); Fed. R. Civ. P. 72(b)(2). Upon review, the Court is satisfied that the Report is not facially erroneous. Therefore, Magistrate Judge Brown's Report is adopted in its entirety, and Defendant's motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) is granted. The Clerk of Court is directed to enter judgment in favor of Defendant and close this case.

Dated: Central Islip, New York
March 17, 2017

SO ORDERED.

s/ Sandra J. Feuerstein
Sandra J. Feuerstein
United States District Judge

¹ Defendant served Plaintiff with a copy of Judge Brown's Report on February 22, 2017. DE [39].